

BORA LASKIN LAW LIBRARY



3 1761 03870 4235

**LAND DEVELOPMENT
AND
COMMERCIAL REAL ESTATE PROBLEMS**

MORTON G. GROSS

1994 - 1995

VOLUME I

**FACULTY OF LAW
UNIVERSITY OF TORONTO**

77
76
77
78

SEP 6 1994
FACULTY OF LAW
UNIVERSITY OF TORONTO

BORA LASKIN LAW LIBRARY
UNIVERSITY OF TORONTO

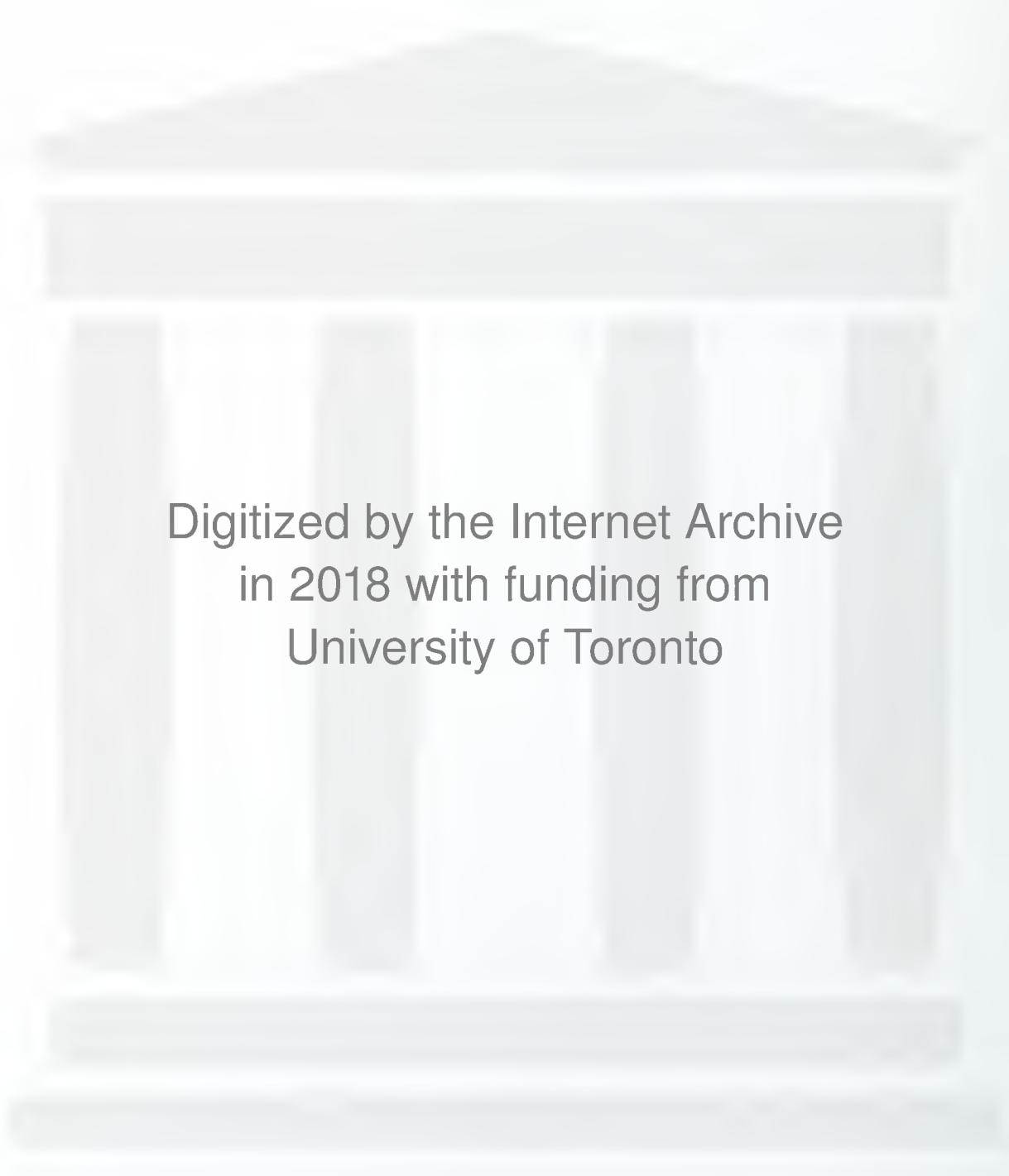
**LAND DEVELOPMENT
AND
COMMERCIAL REAL ESTATE PROBLEMS**

MORTON G. GROSS

1994 - 1995

VOLUME I

**FACULTY OF LAW
UNIVERSITY OF TORONTO**



Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

LAND DEVELOPMENT

AND

COMMERCIAL REAL ESTATE PROBLEMS

TABLE OF CONTENTS

CHAPTER ONE: SUBDIVISION DEVELOPMENT AND CONTROLS

CHAPTER TWO: CONDOMINIUMS

CHAPTER THREE: GROUND LEASES

CHAPTER FOUR: MIXED USE DEVELOPMENTS

CHAPTER FIVE: BUSINESS ENTITIES

**CHAPTER SIX: COMMERCIAL LEASING AND NEGOTIATION OF
REVENUE PRODUCING PROPERTY**

CHAPTER SEVEN: PRIMARY FINANCING

CHAPTER EIGHT: COLLATERAL FINANCING

CHAPTER NINE: ENVIRONMENTAL MATTERS

CHAPTER ONE

SUBDIVISION DEVELOPMENT AND CONTROLS

<u>Section</u>	<u>Page</u>
I Parts V and VI of the Planning Act	1-42
II Sudivision Process - "Subject to Approval" - Ontario Economic Council: A Review of Municipal Planning in Ontario	1-16
III Draft Plan Approvals - Letter from Municipality regarding Draft Plan Approval and Conditions	1-14
IV Subdivision Agreements	
A. Servicing Agreement	1-28
B. Financial Agreement	29-52
V Development Agreement (Section 41 of the Planning Act)	1-4
VI Development Charges Act	1-32
VII Cases Included:	
A. <u>Re Mills et al. and Land Division Committee of the Regional Municipality of York et al</u> (1975), 9 O.R.(2d) 349	1-4
B. <u>Picavet Holdings Ltd. v. Town of Bradford</u> 23 M.P.C.R. 251 (Ont. Div. Ct.)	5-9
C. <u>Re Hay et al. and City of Burlington</u> (1980), 31 O.R.(2d) 467; (1981), 131 D.L.R.(2d) 600	10-19
D. <u>Sixteenth Warden Ltd. v. Markham (Town)</u> (1993) 12 O.R. (3d) 653	20-32
E. <u>First City Development Corp. Ltd. et al v. Regional Municipality of Durham et al.</u> (1989) O.R.(2d) 665	33-65
F. <u>Ontario Home Builders' Assn. v. York Region Board of Education</u> [1994] O.J. No. 192 (Ont. C.A.)	66-78
VIII Some Practical Problems Relating to Subdivisions	1-2
IX Reference Reading	1

CHAPTER TWO

CONDOMINIUMS

<u>Section</u>	<u>Page</u>
I The Condominium Act, R.S.O. 1990, c. C.26	1-44
II Regulations	
A. Condominium Regulation 96	1-15
B. Condominium Regulation 97	16-19
III Condominium Declaration	1-16
IV Condominium By-Laws Nos. 1 - 3	1-18
V Condominium Rules	1-14
VI Surveyor's Condominium Flow Charts to Registration	1-2
VII Condominium Agreement of Purchase and Sale	1-15
VIII Cases Included:	
A. <u>York Condominium Corporation No. 167 v. Newray Holdings</u> (1981) 32 O.R.(2d) 458	1-9
B. <u>Carleton Condominium Corp. No. 106 et al. v. Mastercraft Development Corp. Ltd.</u> (1985) 49 O.R.(2d) 638	10-17
C. <u>Benner et al. v. HLS York Developments Ltd.</u> (1985) 52 O.R.(2d) 243	18-32
D. <u>York Condominium Corp. No. 59 v. York Condominium Corp No. 87,</u> (1984) 42 O.R.(2d) 337	33-37
E. <u>Albrecht v. Opemoco Inc.</u> (1989) 70 O.R.(2d) 151 (1991) 5 O.R.(3d) 385 (Ont. C.A.) (1992) 85 D.L.R. (4th) 289 (Ont. C.A.)	38-62
F. <u>York Condominium Corporation Nos. 216 and 229 vs. Dudnik et al</u> (1991) 3 O.R.(3d) 360	63-77
G. <u>Abdool v. Somerset Place Developments of Georgetown Ltd.</u> (1992) 10 O.R. (3d) 120 (Ont. C.A.)	78-116
IX Reference Reading	

CHAPTER THREE

GROUND LEASES

The Alternative to a Sale

<u>Section</u>	<u>Page</u>
I Form of Ground Lease	1-34
II "Ground Leases" - Article prepared for CBAO Seminar on Advanced Real Estate	1-20
III Interpretation Bulletin - IT-233R Lease-Option Agreements: Sale-Leaseback Agreements	1-4
IV Reference Reading	1

